

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., October 18, 2004 in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Don Stapley, District 2, and Max W. Wilson, District 4. Absent: Fulton Brock, District 1 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Monica Farine, Minutes Coordinator; David Smith, County Administrator; and Bruce White, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

PRESENTATION OF THE TRAVEL REDUCTION TASK FORCE ROLE AND FUNCTIONS

Item: Presentation regarding the role and functions of the Travel Reduction Task Force. The presentation will include a summary of recent enforcement actions and the accomplishments of major employers to address air quality and traffic in Maricopa County through adopting Travel Reduction Plans. (C88040599) (ADM2358-003)

Lori Singleton, Chairman of the Travel Reduction Task Force, Salt River Project
Al Brown, Director of Environmental Services

Bruce White, Deputy County Attorney indicated that the Federal Enforcement authorities brought an action against the state and county several years ago. The county passed statutes creating the travel reduction program for major employers. The Task Force board works with industry using a positive approach so companies will know what they are being asked to perform.

Lori Singleton, Chairman of the Travel Reduction Task Force said she works for Salt River Project (SRP) and chairs the Maricopa County Trip Reduction Program. The program works with employers having 50 or more employees or driving age students who report to a work or school site at least three times a week. With the goal being to improve air quality and reduce traffic congestion, employers are required to provide incentives and programs to reduce those trips or miles to the worksite by 10 percent per year for the first five years and then five percent yearly thereafter. Employers survey employees and present incentives such as preferred parking for car poolers, assigned spaces, raffles, bus passes, van pools including the incentive of guaranteed ride home wherein a participant may call a cab if they miss their carpool ride home. Results are reported to the county for review and then a final plan is submitted indicating those things that will be done for continued trip reduction. The county will then audit employers to make sure they are compliant. Funding for this program is provided by the Arizona Department of Environmental Quality (ADEQ) and Maricopa Association of Governments (MAG) with 2700 participant sites, 538 employees, and 92,000 students in the program.

The task force has volunteer members selected from major employers, public interest groups, and the transportation industry. The Board of Supervisors appoints members. The Task Force meets two times per month overseeing the implementation of the trip reduction ordinance. They review, approve, or reject all plans and provide oversight to the monitoring process. The county attorney's office and the group initiate enforcement actions to non-complying employers but only after repeated attempts to meet with and assist the employers. Litigation is filed as a last resort when the employer fails to conduct a survey and does not submit a plan. The county with Valley Metro assists in every way possible and will work closely with employers to help them to compliance. Previous litigation resulted when eleven employers failed to implement a plan. A fine was agreed to and payment made after the Board of Supervisors agreed to the settlement. All companies came into compliance after the fines were paid and have remained in compliance with the program. In the ongoing effort toward fighting traffic congestion and improving air quality in the valley, bus service is expanding. As growth occurs, travel to and from jobsites by employees becomes farther. A monthly enforcement report sent to the news media includes penalties the department assessed the month before including street vendors, air quality violations, and wastewater treatment plant violations. Mr. Brown said the Environmental Protection Agency (EPA) has an environmental

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Mr. Brown explained the funding for the program is derived from grants and the Maricopa Association of Governments (MAG). The vehicle license tax includes \$1.50 assessment for this program. MAG leads the region in developing the carbon monoxide plan. They made a decision to go this route to reduce air pollution, as vehicles are still the number one source of pollution.

Regarding diesels, the DEQ program outlaws 1988 heavy-duty diesels that are not supposed to be on the road any longer and are banned by the state legislative action. The state legislature did give an extension for the small fleet owners for a short period of time with a grace period to replace those vehicles. The federal government also passed clean fuel standards and clean engine standards for diesels and 2006 is the date when most rules will take effect. This will be beneficial over the long run because diesel engines last a long time, but it could be 2015 to 2020 before there are enough environmental benefits to make a significant difference in our area. The most immediate impact will be from the cleaner fuel coming along in 2006 and as older engines are phased out. The next 10 to 20 years will show the benefits of cleaner air. [Clerk's Note – This is not an official part of the minutes: Agenda Item C8804059900 was withdrawn by the department in Agenda Central. No electronic approval in Agenda Central is available.]

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (3-0-2) that the Board go into Executive Session, pursuant to A.R.S. 38-431.03, to consider matters on the executive agenda for October 18, 2004, as follows:

1.	Compromise Cases – Barbara Caldwell, Outside Counsel		
	Joy Bandera	Larry Hobbs	Gisela Vanluven
	Darrell Cramer	Eduviges Padilla	Maria Zarate-Guzman
	Felipa Damian	Jo Sandoval	Jorge Zarate-Ponce
	Jennifer Equihua	Tara Slatter	Richard Zikmanis
2.	Write-Off Cases – Barbara Caldwell, Outside Counsel		
	Isabelle Bautista	Durrell Carroll	Jessica Kidwell

3. **State of Arizona claim for competency restoration costs**
Bruce White, Deputy County Attorney
Shawn Nau, Director, Health Care Mandates

Jan Ringgenberg, Health Care Mandates

4. VHS V. Maricopa County, CV1998-011792
VHS V. Maricopa County, CV1998-012242
VHS V. Maricopa County, CV1998-018032
VHS V. Maricopa County, CV1999-006969
VHS V. Maricopa County, CV1999-014752
VHS V. Maricopa County, CV2000-003765
VHS V. Maricopa County, CV2001-013936
VHS V. Maricopa County, CV2002-002745
VHS V. Maricopa County, CV2004-001586
VHS V. Maricopa County, LC2003-001173

Bruce White, Deputy County Attorney
Shawn Nau, Director, Health Care Mandates
Jan Ringgenberg, Health Care Mandates

RECORDS OR INFORMATION EXEMPT BY LAW FROM PUBLIC INSPECTION -- ARS §38-431.03(A)(2)

5. **Maricopa Integrated Health System Physician Credentialing**

Christopher Keller, Chief Counsel, Division of County Counsel
Louis Gorman, Deputy County Attorney, Division of County Counsel
James Kennedy, M.D., MIHS, Director of Medical Affairs
Ed Fenstermacher, M.D., MIHS, HP Medical Director
William Ellert, M.D., President, MIHS Medical Staff
Stephanie Davee, Director, Medical Staff Services

CONTRACTS SUBJECT TO NEGOTIATION; PURCHASE, SALE OR LEASE OF REAL PROPERTY; ARS §38-431.03(A)(4) & (A)(7)

6. **ASU Sundome**

William Scalzo, Director Parks and Recreation
Dennis Lindsey, Real Estate Manager
Charles Johnston, SAA
Kevin Costello, Deputy County Attorney

LEGAL ADVICE; SETTLEMENT DISCUSSION CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION; ARS §38-431.03(A)(3) and (A)(4)

7. **Amended Consent Order – Environmental Monitoring Cave Creek Landfill**

Ash Madhok, Director, Solid Waste Department
Rita Neill, Environmental Programs Manager, Risk Management
Kevin Costello, Deputy County Attorney
Van Wolf, Snell & Wilmer

LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION; PURCHASE, SALE OR LEASE OF REAL PROPERTY; ARS §38-431.03(A)(3),(A)(4) & (A)(7)

8. Surprise IGA

Joy Rich, Regional Development Services Officer
Tom Manos, Chief Financial Officer
Dennis Lindsey, Director of Real Estate
Terry Eckhardt, Deputy County Attorney

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; ARS §38-431.03(A)(3) and (A)(4)

9. Dream Palace, et. al. v. Maricopa County

Joy Rich, Regional Development Services Officer
Scott Boehm, Outside Counsel
Terry Eckhardt, Deputy County Attorney

PENDING OR CONTEMPLATED LITIGATION; ARS §38-431.03(A)(4)

10. Maricopa County v. Dorothy Tanita, Trustee and Arizona Department of Transportation, CV2002-010197

Michael Ellegood, Public Works Director and County Engineer
William Hahn, Project manager, Maricopa County Department of Transportation
Mike Wilson, Public Works Lands Manager
Gary Scott, Public Works Lands Acquisition Manager
Jean Rice, Assistant Chief Counsel, Division of County Counsel
William Riske, Deputy County Attorney
Kevin Costello, Deputy County Attorney

MEETING ADJOURNED

After discussion on the matters listed above and there being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board